



Signed and Filed: August 4, 2020

A handwritten signature in cursive script, reading "Dennis Montali", is positioned above the judge's name.

DENNIS MONTALI
U.S. Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**ORDER ON THE FIRE VICTIM
TRUSTEE'S APPLICATION FOR
CLARIFICATION AND
MODIFICATION OF PROTECTIVE
ORDER**

1 Upon the application filed July 22, 2020 (the “**Application**”) by Justice John K. Trotter
2 (Ret.) in his capacity as trustee for the Fire Victim Trust for an order directing the clarification of
3 certain provisions of the Confidentiality and Protective Order (the “**Protective Order**”) [Dkt. No.
4 3405] to allow the Hon. John K. Trotter (Ret.) and his staff, consultants, experts, and counsel (the
5 “**Fire Victim Trustee**”) and Cathy Yanni and her staff, consultants, experts, and counsel (the
6 “**Claims Administrator**”) to access and use information produced and generated in the Cases
7 (the “**Discovery Material**” as defined in the Protective Order) in connection with the
8 administration of the trust established for the fire victims (the “**Fire Victim Trust**”) and the
9 prosecution of the assigned causes of action relating to the Fires which the Debtors may have
10 against contractors, consultants, and others (the “**Assigned Claims**”) pursuant to the Court-
11 approved Plan of Reorganization dated June 19, 2020, (the “**Plan**”) [Dkt. No. 8053] (and as may
12 be amended, modified, or supplemented);¹ and consideration of the Application and the requested
13 relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this
14 Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and determined that
15 notice of the Application as provided to the parties listed therein is reasonable and sufficient; and
16 it appearing that no other or further notice need be provided; and this Court having reviewed the
17 Application; and it appearing that the relief requested in the Application is in the best interest of
18 the Debtors’ estates, creditors, shareholders, and all parties in interest; and it appearing that good
19 cause exists for the relief requested in the Application; and upon all of the proceedings had before
20 this Court and after due deliberation and sufficient cause appearing therefor,

21 **IT IS HEREBY ORDERED THAT:**

- 22 1. The Application is approved solely to the extent set forth herein.
- 23 2. The Court directs that the Protective Order be deemed modified in the manner
24 disclosed in the redline to the Protective Order attached to the Motion and that the Protective
25 Order attached hereto as Exhibit 1 be in full force and effect and deemed to supersede the
26 Protective Order entered at Dkt. No. 3405 in all respects; provided, however, nothing herein
27 affects the validity or enforceability of the Order Adding Certain California State Agencies As
28

¹ All capitalized terms have the definitions provided in the Plan or the Protective Order.

1 Parties to Confidentiality and Protective Order [Dkt. No. 3405], which shall remain applicable to
2 the Protective Order attached hereto as Exhibit 1.

3 3. Following entry of this Order, the Fire Victim Trust, the TCC, in accordance with
4 the written direction of the Fire Victim Trustee (which direction may be provided by counsel to
5 the Fire Victim Trust), and the Debtors are authorized to take all steps necessary or appropriate to
6 carry out this Order as quickly as practicable at the Debtors' or Reorganized Debtors' expense as
7 applicable, subject to an agreed upon budget cap, which may be expanded with the consent of the
8 Debtors or Reorganized Debtors, as applicable, including, but not limited to, subject to the written
9 direction of the Fire Victim Trust, the TCC organizing and turning over, subject to Paragraph 7,
10 documents, information, and work product to the Trustee and its counsel for the Fire Victim
11 Trust.

12 4. The TCC's turnover of documents, information, and work product to the Fire
13 Victim Trustee, the Claims Administrator and their counsel shall be subject to the Protective
14 Order, as clarified and modified, and the Common Interest Agreement among Baker & Hostetler,
15 the TCC, the Trustee, and the Claims Administrator ("**TCC/Trustee CIA**"), as referenced in the
16 Motion.

17 5. Nothing in this Order or the TCC/Trustee CIA modifies that certain Common
18 Interest Agreement (the "**TCC/Adventist CIA**") dated November 22, 2019 by and between the
19 TCC, on the one hand, and Adventist Health System/West and Feather River Hospital a/k/a
20 Adventist Health Feather River, (collectively, "**Adventist Health**"), which agreement was
21 terminated prior to the Effective Date of the Plan. To the extent the TCC transfers documents,
22 information or work product to the Fire Victim Trustee, the Claims Administrator and their
23 counsel that should have been destroyed or returned to Adventist Health under the terms of the
24 TCC/Adventist CIA, the Fire Victim Trustee, the Claims Administrator, and their counsel shall
25 destroy or return, as applicable, such documents, information or work product as soon as
26 reasonably practical after the identification of such documents, information or work product.

27 6. Nothing in this Order or the TCC/Trustee CIA modifies that certain Agreement re
28 Mediation/Settlement Discussion Confidentiality dated March 20, 2020 by and between the TCC,

1 on the one hand, and Adventist Health (the “**TCC/Adventist Mediation Confidentiality**
2 **Agreement**”). Solely to the extent the Fire Victim Trustee, the Claims Administrator, their
3 counsel, or any of their agents or representatives, receive from the TCC (or its representatives,
4 agents, advisers, or transferees) documents, information, or work product that was produced by
5 Adventist Health pursuant to the TCC/Adventist Mediation Confidentiality Agreement, the Fire
6 Victim Trustee, the Claims Administrator, and their counsel shall be bound by the terms of the
7 TCC/Adventist Mediation Confidentiality Agreement.

8 7. Nothing in this Order shall in any way limit or affect the Fire Victim Trust, the
9 Fire Victim Trustee’s, the Claims Administrator’s, and their counsel’s rights, powers and
10 authorities to conduct discovery of any party including such rights and authorities under the
11 *Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19,*
12 *2020* [Dkt. No. 8048] and the Order confirming such Plan [Dkt. No. 8053].

13 8. To the extent that there may be any inconsistency between the terms of the
14 Application, the Plan, the Protective Order, or this Order, the terms of this Order shall govern.

15 9. This Court shall retain jurisdiction to hear and determine all matters arising from
16 or related to the implementation, interpretation, or enforcement of the Protective Order for the
17 Cases and for this Order.

18 ** END OF ORDER **

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